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Technical Meeting on the International
Year and the International Decade of
the World's Indigenous People
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PROGRAMME OF ACTION FOR THE INTERNATIONAL DECADE

Information received from Governments

BOLIVIA

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REGIONAL LATIN AMERICAN AND CARIBBEAN MEETING ON THE INTERNATIONAL DECADE OF THE WORLD'S INDIGENOUS PEOPLE

Final document

Meeting from 30 May to 1 June 1994 in the city of Cochabamba, Republic of Bolivia, at the generous invitation of the Government of this country, we, the participants in the Regional Latin American and Caribbean Meeting on the International Decade of the World's Indigenous People,

Have discussed and approved the following

Recommendations

which shall, through the Chairman of this Regional Meeting, be transmitted for enlightened consideration by the Governments of the States of Latin America and the Caribbean for possible implementation within the framework of the INTERNATIONAL DECADE OF THE WORLD'S INDIGENOUS PEOPLE:

The States of Latin America and the Caribbean SHOULD:

1. Recommendations of an internal character (for implementation within each country):

A. Of a general character:

(1) Initiate, at the highest national political level, a substantive analysis, in conjunction with the country's indigenous institutions and organizations, aimed at establishing the conceptual bases and necessary practices in order to formulate and put into effect, as soon as possible, a Programme of Action for the purpose of establishing a new order of relations with the indigenous peoples 1/ who are now settled within their State frontiers, which would guarantee recognition of indigenous identity and their historical rights, and due respect for both and for their political, legal, economic, social and cultural institutions 2/, and also ensure the full and free participation of those peoples in all aspects of society, and in particular in the questions which concern them (for immediate preparation and effective execution at the end of the Decade).

(2) Adopt the necessary measures to ensure the full and free participation of the said indigenous peoples on the basis of their interests, identity and rights in the planning, execution, control and evaluation of the

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Note: By decision of the Regional Latin American and Caribbean Meeting held in Cochabamba, Bolivia, from 30 May to 1 June 1994, it was agreed that the term "pueblos indígenas" would be used throughout the Spanish version of this document. Nevertheless, when referring to the official title of the International Decade of the World's Indigenous People, the term "poblaciones indígenas" would be used.

execution of all activities relating to the Decade, with the aim of ensuring the coordination, collaboration, cooperation and active participation of those peoples in these activities (for possible immediate preparation and continuing execution throughout the Decade).

(3) Execute and cause to be executed, at all levels (local, municipal, provincial and national), the legal provisions in force relating to the rights of the indigenous peoples, and the international obligations entered into in relation to them, respecting their customary rights, and ensure that any transgression of these provisions by the competent authorities or by individual or collective persons 3/ shall not go unpunished (for possible immediate implementation and continuing execution throughout the Decade).

(4) Undertake, in close cooperation with the indigenous institutions and organizations in the country - and as an essential element in the formulation of this new order of relations with the indigenous peoples - a broad and thorough critical review of all policies, legal provisions and practices established in relation to these peoples, for the purpose of eradicating those which entail discriminatory action or intolerance against them, and orienting State action concerning them - in particular, in the cultural, political, economic and legal fields - on the basis of pluralist criteria and full inter-cultural respect (for possible immediate preparation and effective implementation by the middle of the Decade).

(5) Adopt and ensure the strictest execution of the necessary measures to intensify the campaign against racism and cultural, linguistic, racial or religious discrimination suffered by the indigenous peoples (for possible immediate preparation and continuing execution throughout the Decade).

(6) Adopt, in conjunction with the organizations and institutions of the indigenous peoples, such measures as may be necessary to guarantee participation appropriate to the needs of those peoples in the distribution of the country's budgetary resources, with the aim of eradicating their poverty and marginality (for possible immediate preparation and continuing execution throughout the Decade).

(7) Design and execute national policies in the areas of land grants, health, education, employment, technical assistance, protection of the traditional economy and ecologically sustainable development, respecting the traditions of the indigenous peoples in order to improve their living conditions and quality of life, in accordance with the aspirations of the indigenous peoples themselves (for possible immediate preparation and continuing execution throughout the Decade).

(8) Promote, facilitate and protect, throughout the national territory, the organizational and self-expression activities of the indigenous peoples, and contacts, exchanges and other joint activities of their institutions, organizations and leaders in order to create, inter alia, greater community development and a greater presence and participation in the social and political life of the country (for possible immediate preparation and continuing execution throughout the Decade).

(9) Promote the attainment of a fully democratic society and the effective realization of all human rights and of the rights of the indigenous peoples, in order to achieve the development of all members of society in a framework of equality of rights, non-discrimination, tolerance and pluralism (for possible immediate preparation and continuing execution throughout the Decade).

(10) Stimulate, protect and provide all possible support for, in conjunction with the indigenous peoples concerned, the indigenous community organizations and institutions existing in the country, with the aim of promoting their effective functioning in relation to all aspects of society, in particular on the questions which concern them (for possible immediate preparation and continuing execution throughout the Decade).

(11) Facilitate the re-establishment of the traditional socio-economic organizational structures of the indigenous peoples at all levels (local, municipal, provincial and national) for the purpose of establishing firm foundations for their community development (for possible immediate preparation and continuing execution throughout the Decade).

(12) Protect the beliefs and rites of the indigenous peoples as an expression of their fundamental right to their cultural identity (for possible immediate preparation and possible execution before the end of the Decade).

(13) Encourage and facilitate the access of indigenous institutions and organizations to the educational media and mass media of the country concerned, and promote the access of the indigenous peoples to ownership of media with the aim of promoting broad knowledge of their cultures and their views concerning all aspects of society, in particular on the questions which concern them (for possible immediate preparation and continuing execution throughout the Decade).

(14) Formulate, in conjunction with the indigenous peoples, concrete proposals concerning specific activities to be included in the National Plan of Action for the Decade and in the detailed Plan of Action to be formulated for the Decade, with the aim of submitting them for consideration at the Technical Meeting convened in accordance with General Assembly resolution 46/128, to the Working Group at its twelfth session and to the Sub-Commission at its forty-sixth session, and to the Commission on Human Rights at its fifty-first session (for possible immediate preparation and necessary execution in 1994-1995).

B. Of a specific character:

(1) Establish, in effective conjunction with the indigenous peoples, suitable consultation and participation mechanisms at all levels (local, municipal, provincial and national) for the purpose of ensuring their full and free participation in the process of decision-making on all aspects of society, in particular on the questions concerning them, thereby ensuring the full exercise of democracy by these peoples (for progressive implementation, from the beginning of the Decade in 1995, culminating in the middle of the Decade).

(2) Grant express recognition, through the adoption of the necessary constitutional, legislative and administrative measures, of the responsibilities and historical rights of the indigenous peoples now settled within existing State frontiers, and of those other rights originating from the international treaties or agreements to which each State is a party (for progressive implementation and completion before the end of the Decade).

(3) Establish, in conjunction with the country's indigenous institutions and organizations, effective joint machinery for negotiation, and resolution of any conflicts which may arise between the indigenous peoples and the non-indigenous sector (official or private) of society, including those relating to possible violations of the individual or collective human rights of those peoples or of indigenous persons, as the case may be, taking into consideration the multi-ethnic and pluri-cultural character of the societies concerned (for possible implementation during the period 1995-1996 and completion by the middle of the Decade).

(4) Adopt all necessary legislative and administrative measures to prevent and punish the use of violence, with the aim of encouraging the systematic application of dialogue and negotiation to resolve, by peaceful means, any conflicts that may arise between the indigenous and non-indigenous (official or private) sectors of society (for possible immediate preparation and execution throughout the Decade).

(5) Promote reforms of national systems for the administration of justice which guarantee to the indigenous peoples the full exercise of their individual and collective rights (for possible immediate preparation and effective culmination before the end of the Decade).

(6) Establish one day in each calendar year dedicated to Indigenous Dignity, as an official date for promoting public awareness, and ensure that the date is properly observed by the competent authorities, with official activities at all levels (local, municipal, provincial and national) coordinated with, and with the participation of, the indigenous institutions and organizations (for preparation during the period 1995-1996 and future execution without time-limit).

(7) Analyse the possibility of establishing in existing criminal legislation particularly severe penalties (if not already established) for persons who commit acts or omissions detrimental to due respect for the dignity, culture and rights in general of the indigenous peoples (for possible immediate preparation and execution before the middle of the Decade).

(8) Initiate or promote the constitutional procedures required in order to complete the ratification of the international treaties or conventions that contain provisions relating to the rights of the indigenous peoples, in particular of those seeking eradication of the various manifestations of racism, discrimination and intolerance and protection of the cultural heritage and intellectual property of those peoples (for possible immediate preparation and execution by the middle of the Decade).

(9) Adopt such normative measures as may be necessary to ensure the total eradication of discriminatory policies and practices that affect the

employment of indigenous workers (for possible immediate preparation and execution before the middle of the Decade).

(10) Promote educational campaigns at all levels (local, municipal, provincial and national) against all manifestations of discrimination or intolerance suffered by the indigenous peoples (for possible immediate preparation and continuing execution throughout the Decade).

(11) Develop and promote the production and mass dissemination of educational materials, in conjunction with the institutions and organizations of the indigenous peoples, describing objectively the past and current indigenous contribution to development and to the scientific, technological and cultural achievements of society and to the cultural heritage of mankind, with the aim of promoting an attitude of respect and coexistence (for possible immediate preparation and continuing execution throughout the Decade).

(12) Provide, at the request of the organizations and institutions of the indigenous peoples, financing and technical assistance for the development of programmes - which would be designed and executed by the people themselves - aimed at the training of indigenous leaders and the strengthening of their organizations at all levels (local, municipal, provincial and national), for the purpose of promoting the organizational and self-government capacity of these peoples and revitalizing their organizational structures in the economic, social and political fields (for possible immediate preparation and continuing execution throughout the Decade).

(13) Ensure that those projects to which priority has been given by the indigenous peoples are included in the annual national programming of projects financed by the investment system (for possible immediate preparation and continuing execution throughout the Decade).

(14) Adopt and ensure the strictest application of the necessary legislative and administrative measures to protect effectively the cultural heritage and intellectual property of the indigenous peoples (for possible immediate preparation and continuing execution throughout the Decade).

(15) Give priority to action in aid of indigenous women, children and young people within the framework of the Convention on the Rights of the Child and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s (for immediate preparation and continuing execution throughout the Decade).

2. Recommendations of an international character (for implementation by Governments in the various international forums):

A. In relation to the Decade:

(1) Establish, as soon as possible, in close conjunction and association with the institutions and organizations of the indigenous peoples now settled within their State frontiers, a National Committee for the International Decade of the World's Indigenous People of a joint and participatory character which will have broad powers for the planning,

coordination and execution of all activities undertaken in the country in connection with the Decade, and to evaluate the annual results of the execution of the National Plan of Action for the International Decade of the World's Indigenous People which is to be formulated for that purpose (for possible preparation during the period July-September 1994 and continuing execution throughout the Decade).

(2) Take the relevant initiatives in the various United Nations forums and in the specialized agencies to ensure better inter-agency coordination throughout the Decade, in close conjunction with national and regional indigenous institutions and organizations (for immediate preparation and execution).

(3) Take, in addition, the relevant initiatives to ensure that the coordination that must be established by the organs, specialized agencies and other bodies of the United Nations, such as ECLA, and the Coordinator for the Decade, with national and regional indigenous institutions and organizations is established promptly and continues smoothly throughout the Decade (for preparation from the beginning of the Decade in December 1994 and for continuing execution throughout the Decade).

(4) Take the necessary measures to achieve the broadest possible dissemination of the goals of the Decade and of its detailed Plan of Action, and of the goals included in the National Plan of Action for the Decade (for preparation from the time when the details of the detailed Plan of Action are known and for continuing execution throughout the Decade).

(5) Instruct their representatives in the competent bodies of the United Nations and to the specialized agencies in the system, in particular in the Fifth Committee of the General Assembly, to take the necessary initiatives to ensure that the necessary resources for the execution of the activities planned for the Decade are allocated in the relevant regular and special budgets and in all extrabudgetary funds (for preparation before the beginning of the forty-ninth session of the General Assembly and for continuing execution throughout the Decade).

(6) Promote and undertake periodic evaluations in close conjunction with, and with the full participation of, the indigenous institutions and organizations concerning the execution of the planned activities for the Decade, both in the National Plan of Action for the Decade and in the detailed Plan of Action to be drawn up by the United Nations (for periodic preparation and execution throughout the Decade, preferably every three years at the end of 1997, 2000 and 2003).

(7) Sponsor the appointment by the Secretary-General of the United Nations of Mrs. Rigoberta Menchú Tum, Nobel Peace Prize winner, as Goodwill Ambassador for the International Decade of the World's Indigenous People (precedent: her appointment, with the same title, on the occasion of the proclamation of the International Year of the World's Indigenous People) (for immediate preparation and execution).

(8) Analyse, with a constructive approach, and bearing in mind the ultimate purpose of the instrument and the positions on it of the country's

indigenous institutions and organizations, the text of the United Nations draft Declaration on the rights of indigenous peoples originating from the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities when this text is considered in the Commission on Human Rights, the Economic and Social Council and the General Assembly of the United Nations (for preparation and execution during forthcoming sessions of the Commission, Council and Assembly).

(9) Take the relevant initiatives, in the appropriate forums of the United Nations, for the purpose of ensuring the full participation of the indigenous peoples in the future discussions to be held in the Sub-Commission, the Commission on Human Rights, the Economic and Social Council and the General Assembly on the United Nations draft Declaration on the rights of indigenous peoples (for preparation and execution during the forty-ninth session of the General Assembly and the fifty-first session of the Commission).

(10) Adopt the necessary measures to ensure the maximum dissemination throughout the national territory of this Declaration once it has been proclaimed by the General Assembly, in particular in the various indigenous languages (for preparation and execution as from the time of approval of the Declaration).

(11) Develop initiatives in the appropriate international forums with the aim of achieving greater international protection of the cultural heritage, traditional lore and intellectual property of the indigenous peoples, including in particular the effective exercise of the right of these peoples to be properly remunerated and to participate in the benefits of the application of their knowledge under the provisions of the Convention on Biological Diversity (for immediate preparation and execution).

(12) Make financial or other contributions, to the extent of their possibilities, to the Voluntary Fund for the International Decade once this Fund has been established by the Secretary-General of the United Nations, and to other already established funds or funds to be established in areas relating to indigenous peoples (for preparation as from the time of establishment of the Fund and for continuing execution throughout the Decade).

(13) Take adequate initiatives to ensure joint participation in the decisions taken by the Fund for the Decade regarding the allocation of resources for activities and projects (for immediate preparation and execution as from the time of establishment of the Fund by the Secretary-General of the United Nations).

(14) Promote the execution of specialized studies on various indigenous questions by the relevant forums of the United Nations system, in particular by the Sub-Commission and by ILO (for preparation and execution during all sessions of the Commission on Human Rights and the Economic and Social Council throughout the Decade).

(15) Provide all possible support - in particular with regard to the supply of relevant information as requested of them - to the Special Rapporteurs of the Sub-Commission undertaking studies of this type so that

they may be able to perform fully the mandate conferred on them (for continuing preparation and execution until the studies are completed).

(16) Urge the United Nations Coordinator for the Decade to take due account of the views of national and regional indigenous institutions and organizations in taking any decision relating to activities planned within the framework of the Decade to be executed in Latin America and the Caribbean (for preparation as from the beginning of the Decade and for continuing execution).

(17) Support, by all means within their power, the holding of periodic meetings of the indigenous organizations of the region in order that these organizations may agree on their activities within the framework of the Decade (for immediate preparation and execution).

(18) Contribute, to the extent of their abilities, to the successful and dignified holding of the solemn meeting of the General Assembly of the United Nations at which the Assembly is to proclaim the commencement of the Decade on 10 December 1994 (for preparation and execution on 10 December 1994).

B. In connection with other activities and bodies in the United Nations system and other international forums:

(1) Supply to the Human Rights Committee (in the case of States parties to the International Covenant on Civil and Political Rights) and to the Committee on the Elimination of Racial Discrimination (in the case of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination) detailed and objective information on the situation of the indigenous peoples in the periodic reports to be submitted to these bodies (for periodic preparation, in the years in which these reports are due).

(2) Take the necessary initiatives to authorize the United Nations Commission on Human Rights and the Inter-American Commission on Human Rights to submit a periodic report on the situation of the indigenous peoples of Latin America and the Caribbean and to undertake on-site investigations in the case of denunciations of violations of the rights of indigenous peoples (for immediate preparation and execution by the middle of the Decade).

(3) Complete the processes of ratification or accession and deposit of the treaties or conventions adopted within the framework of the United Nations system and the regional inter-American system relating to the rights of these peoples and the elimination of the various manifestations of racism, discrimination and intolerance against them (for possible immediate preparation and continuing execution throughout the Decade).

(4) Ensure the participation of the indigenous peoples in the discussion and drafting of international legal instruments or standards which concern them (for immediate preparation and continuing execution throughout the Decade).

(5) Facilitate, in conjunction with the institutions and organizations of the country's indigenous peoples, the inclusion of representatives of these institutions and organizations in the State delegations attending

international conferences or meetings at which subjects of concern to the indigenous peoples are discussed, in particular conferences or meetings at which international legal instruments or standards relating to those peoples are formulated (for immediate preparation and execution).

(6) Present initiatives in the relevant bodies within the United Nations system and in the regional inter-American framework, with the aim of achieving the permanent participation of the indigenous peoples in the work of those bodies on matters which concern them, through representatives designated in accordance with their usage (for immediate preparation and execution).

(7) Further, both within the framework of the United Nations system and in the inter-American regional system, the establishment of specialized bodies for the promotion, protection and full realization of the rights of the indigenous peoples, including their collective and individual human rights, and for the purpose of negotiations aimed at achieving a solution to those conflicts between States and indigenous peoples which it has not been possible to resolve through the competent national bodies (for immediate preparation and for execution before the end of the Decade).

(8) Support the establishment of a Permanent Forum for indigenous peoples within the United Nations system that might be linked to the specialized body mentioned in the previous recommendation (7) (for immediate preparation and for continuing execution throughout the Decade).

(9) Promote, in cooperation programmes, activities aimed especially at indigenous children and women in order to eliminate the existing gap between the indigenous and non-indigenous population in the spheres of education and health, and to support activities that facilitate coordination between indigenous women of the region, in order that their demands may be known and incorporated in the development plans of the countries concerned (for immediate preparation and for execution throughout the Decade).

(10) Further, in conjunction with the country's indigenous institutions and organizations, the appointment of indigenous persons to Professional posts in the Centre for Human Rights in the light of the Centre's needs, relating to activities on the occasion of the Decade (for immediate preparation and execution from the time of proclamation of the Decade).

(11) Promote, in conjunction with the country's indigenous institutions and organizations, candidatures by indigenous persons for membership of the international bodies in which matters concerning those peoples are dealt with, in particular the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Human Rights Committee, the Committee on the Elimination of Racial Discrimination and the Inter-American Commission on Human Rights (for immediate preparation and execution during the years preceding each of the relevant elections).

(12) Support the continuation of the activities of the Sub-Commission's Working Group on Indigenous Populations in its present mandate and in its status as a permanent body to which the indigenous peoples and their

organizations have unrestricted access, together with indigenous persons on a personal basis (for immediate preparation and continuing execution throughout the Decade).

(13) Support, in addition, the effort of the Inter-American Commission on Human Rights in the preparation of regional instruments on the rights of indigenous peoples (for immediate preparation and continuing execution throughout the Decade).

(14) Press for the prompt ratification of the International Labour Organisation's Convention concerning Indigenous and Tribal Peoples in Independent Countries, 1989 (No. 169) and its proper implementation, and ensure follow-up of compliance with this Convention through the joint mechanism referred to in recommendation 1-B-3 (above), and further the establishment within ILO of bodies in which the opinion of these peoples is considered by the organs which monitor and supervise ratified conventions (for immediate preparation and continuing execution throughout the Decade).

(15) Initiate, or accelerate where appropriate, the constitutional procedure necessary for the ratification of the Agreement establishing the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean, support its management as a forum for cooperation, meeting and dialogue enabling favourable solutions to be found to the pressing problems of the indigenous peoples through support for the self-development processes of those peoples, and their communities and organizations, and contribute to the development and broadening of their resources and to the expansion of relevant activities (for immediate preparation and execution throughout the Decade).

(16) Support the amendment of the Convention providing for Creation of the Inter-American Indian Institute (Pátzcuaro Convention), proposed by the Ninth Inter-American Indian Congress (Managua, November 1993), in order to update it within the framework of a new relationship between States and indigenous peoples, and ensure joint indigenous participation in its governing bodies (for immediate preparation and execution).

(17) Take the relevant measures, in the case of the States parties to the Treaty for Amazonian Cooperation, to strengthen the activities of the Amazonian Special Commission on Indigenous Affairs, in particular in the projects for the demarcation and consolidation of indigenous areas and in the participation of the indigenous organizations of the region within the Commission (for immediate preparation and execution throughout the Decade).

(18) Support the continuity of the activities of the Latin American Parliament (Commission on Indigenous Affairs) and the Inter-American Indigenous Parliament, in order to consolidate the coordination machinery in the legislative sphere relating to legal recognition of the rights of the indigenous peoples (for immediate preparation and execution throughout the Decade).

(19) Take the necessary measures to harmonize development in their respective countries with the social realities and traditional economies of the indigenous peoples, so that the models applied have constructive and not

destructive effects on the traditional structures of these peoples (for immediate preparation and continuing execution throughout the Decade).

(20) Take the necessary initiatives to ensure that the multilateral financial organizations and bilateral cooperation agencies increase resources for development projects and programmes of interest to the indigenous peoples and take due account of the particular characteristics of these peoples (for preparation and continuing execution throughout the Decade).

(21) Promote an active role by the Organization of American States in support of the activities included in the detailed Plan of Action for the Decade to be developed in the regional context, and urge the Secretary-General of the Organization to promote the establishment of adequate mechanisms for this purpose (for preparation and continuing execution throughout the Decade).

Notes

1/ The government representatives of Argentina and Brazil expressed a reservation about the use of the Spanish term "pueblos indigenas" and suggested that throughout the document it should be replaced by the terms "poblaciones indigenas" or "comunidades indigenas", in accordance with the terminology used in United Nations General Assembly resolution 48/163, which proclaimed the Decade.

2/ The government representative of Brazil objected to the use of the term "institutions" and proposed that it should be replaced by the word "organizations" or "structures".

3/ The government representative of Brazil proposed the deletion of the final clause of this recommendation.